IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital the 19th day of July 2005
Criminal Misc. Bail application No. 258/ 2005
Order on the bail application of accused

CRIMINAL SIDE
Kuldeep Singh
S/o Khajan Singh
R/o Veeru Nagla,
P.S. Kichha
District U.S. Nagar ……. Applicant.

Versus

State of Uttaranchal ….Opposite Party

Arising out of Case Crime No. 330 of 2005
U/s 18/20 NDPS Act
P.S. Kichha
District - U.S. Nagar

Hon'ble J.C.S Rawat, J.

Heard Smt. Pushpa Joshi learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. The learned counsel for the applicant contended that 250 gram of 'Smack' was recovered from the possession of the applicant and out of which 20 gram of 'Smack' was sent to the chemical examiner. As per the chemical analysis report, only 9 gram of 'Heroine' was found out of 20 gram of 'Smack', which was taken for chemical analysis. The learned counsel for the applicant contended that if the measurement was not correct the presumption should be drawn in favour of the applicant. The learned counsel for the applicant further contended that even if the measurement is correct, the recovered quantity of 'Heroine' does not come within the purview of 'Commercial Quantity'. The applicant has no criminal history. Considering the facts and totality of the circumstances of the case, it is a fit case for bail.

Let the applicants-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

(J.C.S. Rawat, J.)

Dated 19.07.2005

LSR